

Special Education Compliance Program Review Standards & Indicators

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Missouri Department of Elementary & Secondary Education

Mission Statement

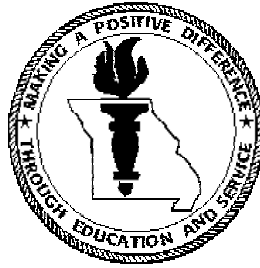
The Department of Elementary and Secondary Education is a team of dedicated individuals working for the continuous improvement of education and services for all citizens. We believe that we can make a positive difference in the quality of life for all Missourians by providing exceptional service to students, educators, schools and citizens.

We provide leadership and promote excellence. We

- Champion high-quality public education
- Advocate equity for every learner
- Develop school leaders and other educational team members
- Establish standards that demand excellence and build a solid foundation for lifelong learning, workplace skills and citizenship
- Evaluate program and policy effectiveness
- Share best practices
- Carry out programs with the least administrative burden and cost
- Assist persons with disabilities by providing individualized support and services
- Create a caring workplace that fosters teamwork and personal and professional growth

We promise to greatly exceed customers' expectations. We

- Listen to those we serve in order to improve our operations and adapt to changing needs
- Forge partnerships to improve our services
- Value each employee's contribution to achieving this mission



Missouri's Vision for Special Education Services

We, the people of Missouri, believe that diversity enhances our culture; therefore, we commit our resources and efforts to accept, educate, and support all children and youth. All children and youth, being of diverse backgrounds and abilities, will have access to all learning activities with accommodations and supports to enable them to succeed. All children and youth are actively engaged in creating their own futures and are prepared for life as independent, informed, and empowered citizens; and, are embraced as vital, valued, and contributing members of their communities.

Therefore, we need inclusive communities and schools that:

- recognize that all children and youth can learn;
- commit to providing equitable opportunities for all children and youth;
- build on the individual strengths and abilities of each child and youth;
- collaborate for the benefit of all children and youth; and,
- recognize and involve families as full partners.

PREFACE

The Compliance Section of the Division of Special Education supports the mission of the Department of Elementary and Secondary Education and the Vision of the Division of Special Education by providing leadership in establishing standards which promote improved outcomes for students with disabilities as well as consistency in the procedures public agencies implement for meeting compliance with state and federal regulations.

This standards and indicators manual represents the collaborative efforts of many dedicated individuals from across the state who have responsibilities for working with students with disabilities. As a result of these efforts and their willing cooperation, this manual provides a resource for special educators in their work of providing quality special education services to children with disabilities throughout the State of Missouri.

This Manual is divided into four (4) main sections.

Section I. Special Education Compliance Standards

These standards have been developed based upon Office of Special Education Programs (OSEP) Continuous Improvement Monitoring Program (CIMP) clusters and indicators. These clusters and indicators are what OSEP uses in their monitoring of States in regard to outcomes for performance of students with disabilities as well as compliance with federal regulations implementing the Individuals with Disabilities Education Act (IDEA). The standards are organized around eleven (11) focus areas:

- | | |
|---|---------------------------------------|
| A. Suspension/Expulsion | G. Drop-outs |
| B. Procedural Safeguards | H. Child Find |
| C. Evaluation | I. Personnel |
| D. Special Education and Related Services | J. General Administration |
| E. Least Restrictive Environment (LRE) | K. State and District-wide Assessment |
| F. Secondary Transition | |

For each of the focus areas listed above, standards have been identified as they apply in one of three major areas:

Administrative Requirements
Performance Requirements
Process Requirements

Section II. Program Review Indicators

Program compliance indicators have been identified to assist individuals responsible for the administration of special education programs in implementing all required regulations and to assist them in meeting the program review standards. The indicators are divided into the following documents

- A. Administrative procedures
- B. Special Education Process
- C. (reserved)
- D. Discipline
- E. Speech Implementer Model
- F. Transfers
- G. Eligibility Determinations

Section III. Monitoring Checklists

This section contains monitoring checklists for each of the above documents. These checklists are used by districts when completing special education monitoring requirements as a part of their Missouri School Improvement Program (MSIP) review and by division staff in the compliance section when conducting monitoring activities.

Section IV. Appendix

This section contains a number of explanatory and guidance documents, which are referred to throughout the manual.

This manual is designed to be a working document used by administrators, teachers and other school personnel who are responsible for providing special education services to students with disabilities. It is especially important that those staff who are responsible for conducting evaluations and eligibility determinations and those who are responsible for the implementation of special education services have ready access to the manual.

If you have questions, comments, or suggestions regarding the manual or the standards and indicators contained herein, please contact the Compliance Section, Division of Special Education, Missouri Department of Elementary and Secondary Education, P. O. Box 480, Jefferson City, Missouri 65102-0480.

Pam Williams, Director
Special Education Compliance

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SPECIAL EDUCATION PROCESS

1. REFERRAL

Purpose

- To identify individuals with suspected disabilities

Additional Information

- Parents or district personnel may make referrals.
- District documentation of the referral must include:
 - Name and role of individual making the referral.
 - The reasons for the referral and descriptions of concerns.
 - A statement describing the learning experiences the child has received, especially in reading and math.
 - A statement that limited English proficiency is not the primary reason for the referral.
 - The date of the referral.
- Procedural Safeguards must be provided to the parents within 1-5 days of the initial referral for a special education evaluation.

Outcome

- For parent referrals
 - The district determines that an evaluation is not warranted and provides the parents with a Notice of Action Refused, or
 - The district determines that an evaluation is warranted and proceeds to step 2 of the process.
- For district referrals
 - The district proceeds to step 2 of the process.

2. REVIEW OF EXISTING EVALUATION DATA

Purpose

- To review existing data and identify what, if any, additional data is needed to determine:
 - Whether the child has, or continues to have, a particular category of disability.
 - The present levels of performance and educational needs of the child.
 - Whether the child needs, or continues to need, special education and related services.
 - Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

Additional Information

- This review must be conducted by a group of individuals that include required members of an IEP team and other qualified professionals, as appropriate.
- This review may be conducted without a meeting.

- The information reviewed should include, as appropriate,
 - Previous evaluations
 - Information provided by the parents
 - Current classroom-based assessments and observations
 - State and district-wide assessment results
 - Observations by teachers and by related services providers, if available and appropriate.
- District documentation of this review must include
 - The team conclusions/decisions
 - The date the conclusions/decisions are finalized
 - The names of individuals participating in the review.

Outcome

- The team determines that additional data is needed and proceeds with step 3 of the process.
- The team determines that additional data is not needed:
 - For initial evaluations, the district provides the parents with a Notice of Intent to Evaluate and proceeds to step 5 of the process.
 - For reevaluations, the district provides notification to the parents that includes:
 - The decision and the reasons for the decision.
 - The parent's right to request further assessment IF the purpose for conducting the assessments is to determine continued eligibility.

3. PLANNING THE EVALUATION *(This step only applies to evaluations requiring additional assessment.)*

Purpose

- To determine how the additional data will be obtained.

Additional Information

- When planning for the evaluation, the district must take into consideration information provided by the parents.
- It is the district's responsibility to determine how the data will be obtained.
- Parent participation is not required when making these decisions.

Outcome

- District staff identifies assessments/procedures that will be used to obtain additional data.

4. PROVIDE NOTICE/OBTAIN CONSENT

Purpose

- To assure that parents/guardians have been fully informed of and agree to the proposed action.

Additional Information

- **Notice of Action (Intent to Evaluate)**
 - Must be provided for **all** initial evaluations.
 - Must be provided for reevaluations when conducting a test or administering any assessment instrument(s).
 - For initial evaluations this Notice must be provided within 30 days of the date of referral.
- **Written Consent**
 - Does not need to be obtained for initial evaluations that do not require additional testing.
 - Is needed prior to the administration of a test or other assessment instrument when conducting initial evaluations or reevaluations.
 - For reevaluations, the district may proceed with assessments 10 days after the district's second attempt to obtain consent and the parent failed to respond. *Failure to respond means there was NO response from the parent, not that the parent responded and refused to give consent.*

Outcome Options

- When additional testing is necessary and consent is received, implement the evaluation procedures specified in the Notice of Action.
- When no additional assessments are needed schedule a meeting for eligibility determination.

5. DETERMINE ELIGIBILITY

Purpose

- To determine whether the child has a disability, or continues to have a disability, based upon state eligibility criteria. For eligibility criteria refer to the State Plan and Documents G-1 through G-16 in the Standards and Indicators Manual.

Additional Information

- A group of qualified professionals, and the parents of the child make the eligibility determination.
- The evaluation staffing will be held within 45 days of receipt of parent consent to evaluate.
- The child may not be determined to be eligible for special education and related services if the determinant factor is
 - Lack of instruction in reading or math; or

- Limited English Proficiency

Outcome

- The team determines that the child does have a disability.
- The team determines that the child does not have a disability and provides the parents with a Notice of Action – Ineligibility.

6. EVALUATION REPORT

Purpose

- To develop a current written summary of the evaluation results and eligibility staffing.

Additional Information

- Evaluation reports are required for all initial evaluations, and for any reevaluations where additional data was collected.
- The parents must be given a copy of the evaluation report within a reasonable period of time (generally 15-20 days) following the evaluation staffing.
- The evaluation report must address:
 - A synthesis of information from the evaluation
 - Relevant behavior noted during observation.
 - Required for the categories of learning disabilities, emotional disturbance, and autism.
 - Optional for all other categories of disabilities.
 - Description of any variations from standard assessment conditions
 - A statement of the existence and nature of the categorical disability(ies).
 - Basis for the determination of eligibility and need for special education and related services, or the continued need for special education and related services.
 - A statement that the disability is not a result of lack of instruction in reading or math, limited English proficiency, or other exclusions as applicable in the eligibility criteria.
 - Names and roles of the individuals making the eligibility determination.
- Additional components for learning disabilities:
 - Educationally relevant medical findings, if any.
 - Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services.
 - The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.
 - Each team member, except for the parent, certifies in writing whether the report reflects his/her conclusion and provides a dissenting statement, if applicable.

Outcome

- The evaluation report is sufficiently comprehensive to develop a present level of performance and enable the IEP team to develop an appropriate educational program.

7. NOTIFICATION OF IEP MEETING

Purpose

- To ensure that parents are notified of and have the opportunity to participate in IEP meetings.

Additional Information

- Parent notification of the IEP meeting
 - May be given verbally or in writing
 - Must be provided early enough to ensure that the parent will have an opportunity to attend
- The District must make at least two attempts to assure parents participation before proceeding with the IEP meeting.
- Content of notification must include:
 - Time, date, location, and participants
 - All purposes of the meeting, including transition for students ages 14 and older
 - If the purpose of the meeting includes transition, the district must invite
 - The student
 - Representatives from any other agency likely to provide or pay for services upon graduation.
 - Parents are informed of their right and the district's right to invite other individuals who have knowledge and/or special expertise regarding the child and that the determination as to whether an individual has knowledge or special expertise is made by the parent or public agency who invited the individual to be a member of the IEP team.

Outcome

Parents are notified of the IEP meeting and have the opportunity to participate in the development of the IEP.

8. DEVELOP IEP

Purpose

- To ensure that a child with a disability is provided special education, related services and supports necessary to meet the child's special learning needs; to be involved in and progress in the general education curriculum; and, to be educated with nondisabled peers in the least restrictive environment.

Additional Information

- IEP Timelines
 - Initial IEPs must be developed within 30 days of the eligibility determination staffing.

- IEPs must be reviewed at least annually and revised as necessary.
- IEPs must be in effect at the beginning of each school year.
- IEP Team
 - Refer to the State Plan, Document B of the Standards and Indicators Manual, and the IDEA regulations for specific information concerning the IEP team.
- IEP Content
 - Refer to the State Plan, Document B of the Standards and Indicators Manual, and the IDEA regulations for specific information concerning IEP content.
- Parents must be provided with a copy of the IEP within a reasonable period of time following the meeting (generally 15-20 days).
- Parents are provided with Prior Written Notice for any change of services.

Outcome

An appropriate IEP is completed for each child with a disability.

9. DETERMINE PLACEMENT

Purpose

- To ensure that children with disabilities are educated to the maximum extent appropriate with children who do not have disabilities.

Additional Information

- For K-12, a continuum of alternative placements is available.
- For preschool children, a variety of placement options are available.
- Regular education with modifications must be considered for all children.
- The child's placement is
 - Determined at least annually.
 - Based upon the child's IEP.
 - As close as possible to the child's home.
- A child with a disability shall not be removed from education in an age-appropriate regular classroom solely because of needed modifications in the general curriculum.
- Prior Written Notices
 - Notice of Action for initial placement is provided to the parents.
 - Consent for initial placement is obtained prior to the implementation of the IEP.
 - Change of placement/services notices are provided as appropriate following IEP reviews.
 - Refer to Document A of the Standards and Indicators Manual for specific content of prior written notices.

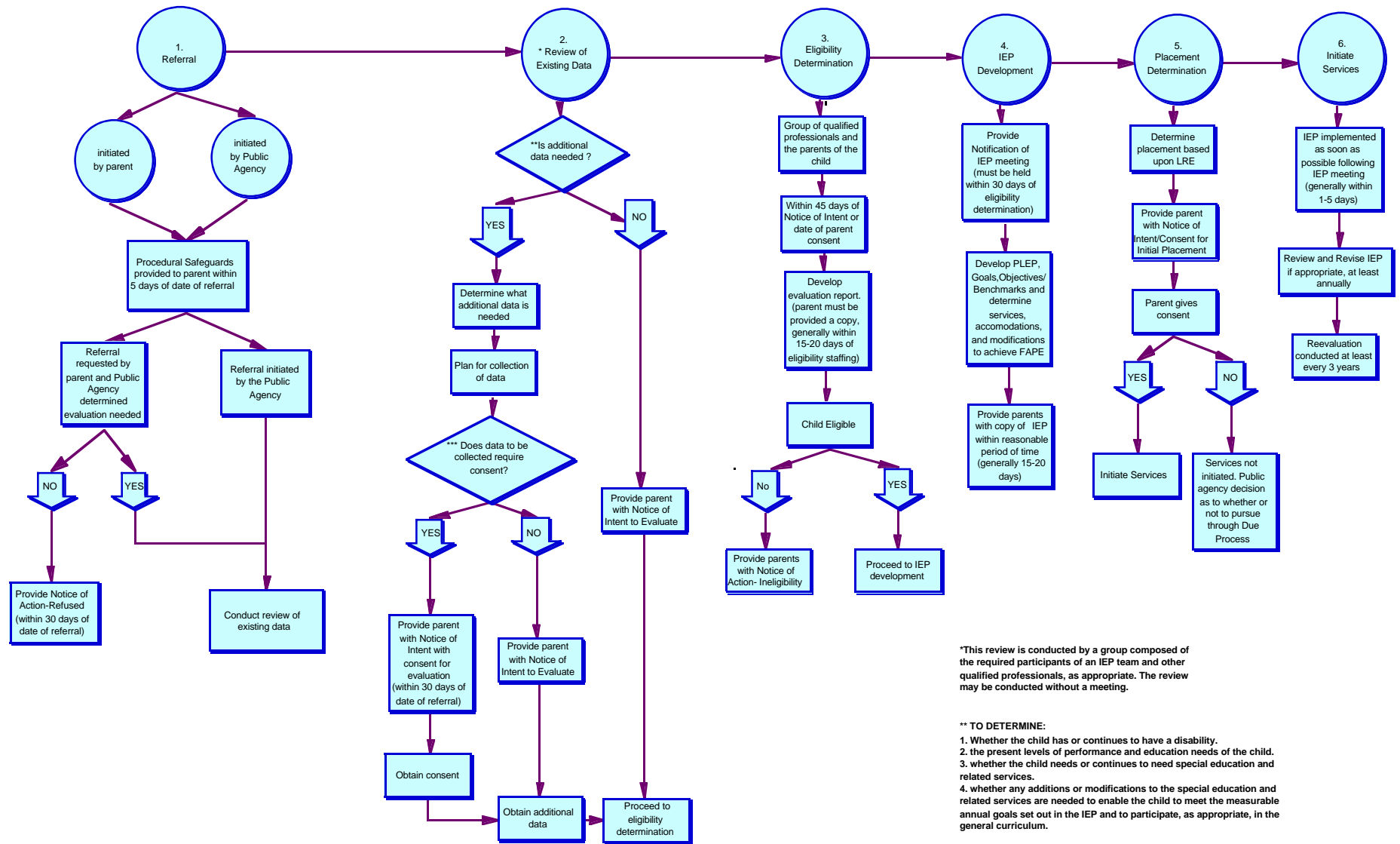
Outcome

The child is placed in the least restrictive environment.

Special Education Process

Part B, Individuals with Disabilities Education Act (IDEA)

Source: Missouri Department of Elementary and Secondary Education, Special Education Compliance



General Information for Use of this Manual

Codes and abbreviations used throughout manual:

300.:	Legal citations beginning with this number refer to 34 Code of Federal Regulations Part 300
AGENCY:	Responsible public agency (i.e., local school district, special school district, Charter School, State Board Operated Program, or other public agency)
DESE:	Department of Elementary and Secondary Education
DFS:	Department of Family Services
DMH:	Department of Mental Health
DOC:	Department of Corrections
DYS:	Division of Youth Services
ECSE:	Early Childhood Special Education
EDGAR:	Education Department General Administrative Regulations
FAPE:	Free appropriate public education
FERPA:	Family Educational Rights and Privacy Act
GEPA:	General Education Provision Act
IDEA:	Individuals with Disabilities Education Act
IEP:	Individualized Education Program
LRE:	Least Restrictive Environment
Part C:	The section of IDEA that provides for children with disabilities ages birth to three.
RSMo:	The Public School Laws of Missouri (Regulations of the State of Missouri)
SP():	The Missouri State Plan for Special Education and specific section number

Additional information regarding the manual's format:

Legal citations are found at the beginning of a section or throughout each document.

Each document has a three-column format.

- 1) The “Legal Requirements” column, on the left, states the requirement and cross-references each to the appropriate legal citation.
- 2) The “Indicators” column, in the center, provides an explanation for meeting the legal requirement. In some cases, additional clarification or examples are provided. The format for this section is as follows:
 - a) Closed round and square bullets identify required components
 - b) Open round bullets provide additional information to clarify the requirement
- 3) The “Data Sources” column provides examples for documentation of the required information. Information may not necessarily be found in all sources or limited to only those listed.